



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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SEP 13 2002

Paper No. 9

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In re Application of
Richard J. Thomas
Serial No. : 09/712,081
Filed : November 14, 2000
For : Method for Creating a Denture Using Laser
Altimetry

: DECISION ON PETITION
:
: TO WITHDRAW
:
: THE HOLDING OF
:
: ABANDONMENT

This is a decision on petitioner's request filed July 30, 2002, to review the holding of abandonment mailed July 16, 2002 for failure file a response to the Office action mailed February 1, 2002. The basis for petitioner's request is the assertion that a timely amendment accompanied with a certificate of mailing, were mailed to the Office on February 7, 2002. There is no fee required for this petition.

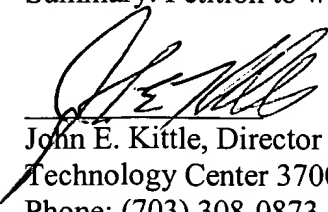
A petition to withdraw the holding of abandonment wherein it is alleged that a proper response was filed requires: (a) a copy of the previously mailed response and/or fee verified to be a true copy of that which was filed; and (b) either evidence of the receipt of the response and/or fee by the Office, such as a post card receipt, or a verified declaration attesting on a personal knowledge basis to the previous timely mailing of the response and/or fee (37 CFR 1.8). This petition lacks item (b).

In the absence of any direct evidence to show that an amendment had been timely sent, such as a verified declaration signed by Ms. Irene Christine attesting on a personal knowledge basis to the previous timely mailing of the response in question, the petition must be dismissed.

Any requests for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. The reconsideration should include a cover letter entitled "Renewed Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.181."

Telephone inquiries relative to this petition should be directed to Special Programs Examiner Andres Kashnikow at (703) 308-1137.

Summary: Petition to withdraw holding of abandonment DISMISSED.


John E. Kittle, Director
Technology Center 3700
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ak/8/29/02